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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,531	06/02/2006	Richard Henry Schlosberg	2002M179	1619
23455	7590	06/12/2008	EXAMINER	
EXXONMOBIL CHEMICAL COMPANY			PUTTLITZ, KARL J	
5200 BAYWAY DRIVE				
P.O. BOX 2149			ART UNIT	PAPER NUMBER
BAYTOWN, TX 77522-2149			1621	
			MAIL DATE	DELIVERY MODE
			06/12/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/535,531	SCHLOSBERG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	KARL J. PUTTLITZ	1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 February 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 53-60,62-68 and 70-102 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 53-60,62-68 and 70-102 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

The prior art rejections are maintained and repeated below. Applicant's remarks in connection with these grounds of rejection are also addressed.

## ***Claim Rejections - 35 USC § 102***

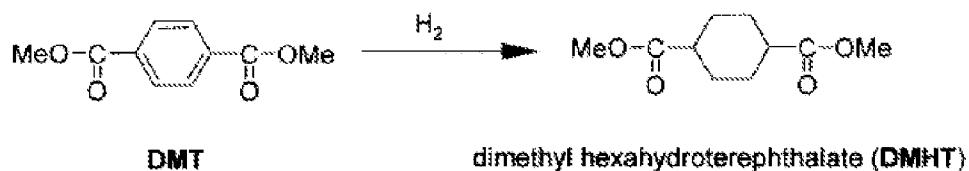
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 53, 66-71, 79-91, 96-106 are rejected under 35 U.S.C. 102(b) as being anticipated by Raja et al., *Angewandte Chemie, International Edition* (2001), 40(24), 4638-4642 (Raja).

Raja teaches the following reaction:



The catalyst is a Group VIII metal disposed on a mesoporous silica support, see page 4641, left column, bottom. The claimed metal dispersions are deemed to be necessarily possessed by the disclosed catalyst given the amounts of metals used in the catalyst preparation.

The forgoing anticipates the rejected claims within the meaning of section 102.

Applicant argues that the reference fails to teach a singular metal component. However, the claims do not require a singular metal component, by virtues of the "comprising" language.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 54-65, 72-78, 92-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raja in view of U.S. Patent No. 6,284,917 to Brunner et al. (Brunner).

The rejected claims cover those embodiments wherein the support is a mixed oxide and mixed pore size, physical properties of the catalyst, and hydrogenation of different benzenecarboxylic acid derivatives. Raja fails to explicitly teach these embodiments. However, it is for this proposition that the examiner joins Brunner. In this regard, Brunner teaches hydrogenation of benzene polycarboxylic acids, and specifically teaches mixed oxides of different pore structures, see description bridging columns 2 and 3.

With regard to the physical properties of the catalyst, Raja substantially teaches the claimed catalyst, and therefore, any physical characteristics are necessarily possessed by the disclosed catalysts.

With regard to the specific benzenecarboxylic acid derivatives, hydrogenation of the claimed derivatived would be within the purview of those of ordinary skill, based on the success of the disclosed catalysts in the hydrogenation reaction.

Therefore, the claimed mixed oxide and mixed pore size, physical properties of the catalyst, and hydrogenation of different benzenecarboxylic acid derivatives are *prima facie* obvious in view of the combination of Raja and Brunnernsince these references teach or suggest these embodiments.

Applicant argues that Brunner fail to teach the instant mesoporus material. However, give the description in Brunner, including the example, mesoporous silica is *prima facie* obvious.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl J. Puttlitz whose telephone number is (571) 272-0645. The examiner can normally be reached on Monday to Friday from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached at telephone number (571) 272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karl J. Puttlitz/

Primary Examiner, Art Unit 1621